

**RECEIVED
CENTRAL FAX CENTER**

AUG 10 2005

OFFICIAL

BEST AVAILABLE COPY

CARDINAL LAW GROUP

1603 Orrington Avenue/Suite 2000
Evanston, Illinois 60201
Telephone 847-905-7111
Facsimile 847-905-7113

Date: AUGUST 10, 2005

To: EXAMINER AHN, SAM K.
U.S. PATENT AND TRADEMARK OFFICE

Fax #: (571) 273-8300

From: FRANK C. NICHOLAS
Phone #: (847) 424-2521

Client/Matter No.: CR00254M (9640/45)

of Pages: 14

(including cover sheet)

IF YOU HAVE ANY PROBLEMS RECEIVING THIS MESSAGE, PLEASE CALL 847/905-7111, Ext. 112 AND ASK FOR JENNIFER CRUZ.

THIS MESSAGE IS INTENDED ONLY FOR THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED. IT MAY CONTAIN PRIVILEGED, CONFIDENTIAL, ATTORNEY WORK PRODUCT, OR TRADE SECRET INFORMATION WHICH IS EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAWS. IF YOU ARE NOT THE INTENDED RECIPIENT, OR AN EMPLOYEE OR AGENT RESPONSIBLE FOR DELIVERING THE MESSAGE TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION, OR COPYING OF THIS MESSAGE IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS MESSAGE IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE (AND ALL COPIES) TO US BY MAIL AT THE ABOVE ADDRESS. WE WILL REIMBURSE YOU FOR POSTAGE.

BEST AVAILABLE COPY

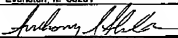
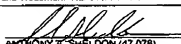
PT000023 (Transmitted by electronic filing) Date filed: 08/10/2005. Please see the Transmittal Sheet for a description of correspondence. Under the Paperwork Reduction Act of 1995, no person is required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM <small>(to be used for all correspondence after initial filing)</small>	Attorney Docket No.	CR020254M (984045)
	Application Number	099886.628
	Filing Date	JUNE 21, 2001
	First Named Inventor	KEVIN L. BAUM
	Group Art Unit	2637
	Examiner	AHN, SAM K.

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Response to Non-Final Office Action Dated July 12, 2005 <input type="checkbox"/> After Final <input type="checkbox"/> Affidavit/declaration(s) <input type="checkbox"/> One Month Petition for Extension of Time Request <input type="checkbox"/> Extension of Time Request (duplc) <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement, PTO- 1449, art <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application	<input type="checkbox"/> Assignment Papers <input type="checkbox"/> Drawings <input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Petition Routing Slip (PTOSB/69) and Accompanying Petition <input type="checkbox"/> To Convert a Provisional Application <input type="checkbox"/> Declaration <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Small Entity Statement <input type="checkbox"/> Request of Refund	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Post Card Receipt <input type="checkbox"/> Additional Enclosure(s) (please identify below): <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
<input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No. <u>50-1713</u> . A duplicate copy of this sheet is enclosed.		
<input checked="" type="checkbox"/> I hereby petition under 37 CFR § 1.136(a) for any extension of time required to ensure that this paper is timely filed. Please charge any associated fees which have not otherwise been paid to Deposit Account No. <u>50-1713</u> . A duplicate copy of this sheet is enclosed.		

CALCULATION OF FEE

				Small Entity		or		Large Entity	
	Claims After Amendment		Highest No. Previously Paid For	Present Extra	Rate	Add'l Fee		Rate	Add'l Fee
Total		Minus			x \$25=	0		x \$50=	
Incap		Minus			x \$100=	0		x \$200=	
First Presentation of Multiple Dep. Claim					x \$180=	---		x \$360=	
					total add'l fee	\$ 0		total add'l fee	\$ 0

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm or Individual name	ANTHONY A. SHELTON Registration No. 47,078 Cardinal Law Group 1603 Orrington Avenue, Suite 2000 Evanston, IL 60201		
Signature			Date: <u>AUGUST 10, 2005</u>
CERTIFICATE OF FACSIMILE			
I hereby certify that this correspondence is being transmitted via facsimile to (571) 273-8300 to the US Patent and Trademark Office on this date.			AUGUST 10, 2005
Signature	 ANTHONY A. SHELTON (47,078)		Date: <u>AUGUST 10, 2005</u>

BEST AVAILABLE COPY

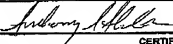
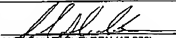
FIGURE 1 (1-97), approved for use through January 2005. Please visit www.uspto.gov for the latest version of this form. The Paper instruction form (1-97) is published in response to a collection of questions received from the public. A short Q&A version is available.

TRANSMITTAL FORM <small>(to be used for all correspondence after initial filing)</small>	Attorney Docket No	CR00254M (8640/45)
	Application Number	00/885,628
	Filing Date	JUNE 21, 2001
	First Named Inventor	KEVIN L. BAUM
	Group Art Unit	2637
	Examiner	AHH, SAM K.

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Response to Non-Final Office Action Dated July 12, 2005 <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/Declaration(s) <input type="checkbox"/> One Month Petition for Extension of Time Request <input type="checkbox"/> Extension of Time Request (duplicate) <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement, PTO-1449, an <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application	<input type="checkbox"/> Assignment Papers <input type="checkbox"/> Drawings <input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Petition Raising Slip (PTO/SB/69) and Accompanying Petition <input type="checkbox"/> To Convert a Provisional Application <input type="checkbox"/> Declaration <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Small Entity Statement <input type="checkbox"/> Request of Refund	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group <small>(Appeal Notice, Final Reply Brief)</small> <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Post Card Receipt <input type="checkbox"/> Additional Enclosure(s) <small>(please identify below)</small> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
<input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No. 50-1713. A duplicate copy of this sheet is enclosed.		
<input checked="" type="checkbox"/> I hereby petition under 37 CFR § 1.136(a) for any extension of time required to ensure that this paper is timely filed. Please charge any associated fees which have not otherwise been paid to Deposit Account No. 50-1713. A duplicate copy of this sheet is enclosed.		

CALCULATION OF FEE

				Small Entity		Large Entity	
	Claims After Amendment	Minus	Highest No. Previously Paid For	Rate	Add Fee	Rate	Add Fee
Total		Minus		x \$25=	0	x \$50=	
Indep		Minus		x \$100=	0	x \$200=	
First Presentation of Multiple Dep. Claim				+ \$150=	—	+ \$360=	
				total add'l fee	\$ 0	total add'l fee	\$ 0

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm or individual name	ANTHONY A. SHELDON Registration No. 47,078 Cardinal Law Group 1603 Orrington Avenue, Suite 2000 Evanston, IL 60201		
Signature			Date: AUGUST 10, 2005
CERTIFICATE OF FACSIMILE			
I hereby certify that this correspondence is being transmitted via facsimile to (571) 273-8300 to the US Patent and Trademark Office on this date: AUGUST 10, 2005			
Signature			Date: AUGUST 10, 2005
ANTHONY A. SHELDON (47,078)			

**RECEIVED
CENTRAL FAX CENTER**

AUG 10 2005

BEST AVAILABLE COPY

Certificate of Facsimile
I hereby certify that this correspondence is being
transmitted by facsimile to (571) 273-8300 to the U S
Patent and Trademark Office August 10, 2005
(Date of Transmission)

ANTHONY A. SHELTON (31.806)
Name of applicant, assignee or registered representative
Anthony A. Shelton
Signature
August 10, 2005
Date of Signature

PATENT
Case No. CR00254M
(9640/45)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of:)
)
KEVIN L. BAUM)
)
Serial No.: 09/886,628)
)
Filed: JUNE 21, 2001)
)
For: METHOD AND SYSTEM FOR)
INTERFERENCE AVERAGING IN A)
WIRELESS COMMUNICATION)
SYSTEM)

Examiner: AHN, SAM K.

Group Art Unit: 2637

RESPONSE TO A NON-FINAL OFFICE ACTION DATED JULY 12, 2005

Mail Stop **Non-Fee Amendment**
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to a Non-Final Office Action dated July 12, 2005, please amend the
above referenced application as follows and reconsider the application in light of the
following remarks.